

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

RODNEY FERRER,

Plaintiff,

- v -

Civ. No. 9:14-CV-1370  
(GTS/DJS)

STEVEN RACETTE, *et al.*,

Defendants.

---

**APPEARANCES:**

OFFICE OF JESSICA M. GORMAN

*Attorney for Plaintiff*

74 Chapel Street, 2d Floor

Albany, NY 12207

HON. ERIC T. SCHNEIDERMAN

Attorney General of the State of New York

*Attorney for Defendants Racette, Kelly,*

*Goodman, Waite, and Jenkins*

The Capitol

Albany, New York 12224

LAMARCHE, SAFRANKO LAW FIRM

*Attorney for Defendant Fraizer*

1539 Crescent Road

P.O. Box 5437

Clifton Park, NY 12065

HARRIS, CONWAY LAW FIRM

*Attorney for Defendant Livermore*

The Patroon Building

5 Clinton Square

Albany, NY 12207

**OF COUNSEL:**

JESSICA M. GORMAN,  
ESQ.

CATHY Y. SHEEHAN, ESQ.  
Assistant Attorney General

ANDREW R. SAFRANKO,  
ESQ.

RYAN T. DONOVAN, ESQ.

LIPPE MATHIAS WEXLER FRIEDMAN LLP  
*Attorney for Defendants and Counter Claimants*  
*Beecher, Burch, and McClenning*  
54 State Street, Suite 1001  
Albany, NY 12207

JEFFREY P. MANS, ESQ.

**DANIEL J. STEWART**  
**UNITED STATES MAGISTRATE JUDGE**

**ORDER**

As part of the Court's discovery conference held on June 8, 2016 counsel for the Defendants were instructed to provide to chambers the personnel files for their clients at the earliest possible date. Dkt. No. 68. On July 18, 2016 the personnel file for Defendant Andrew Frazier was reviewed by the Court.

The *in camera* review of Defendant Frazier's personnel file reflected two sets of documents that may possibly be used for impeachment purposes, or as part of the supervisory claim. When retrieving the personnel file, Defendant's Counsel Andrew Safranko shall make a copy of the twenty two pages from the personnel file which have been tagged and paper clipped together by the Court. Counsel shall redact any information regarding the Defendant's date of birth, home address, and social security number. The redacted copies shall be provided to the Plaintiff's counsel, with copies to the counsel for the remaining Defendants. Because of the nature and circumstances of the case, and the specific needs of the correctional facility, the Plaintiff's counsel is directed not to provide copies of the disclosed portions of the personnel file to the Plaintiff. However, counsel is not barred from discussing the content of the documents with her client.

The Court directs that the Defendant's Counsel immediately retrieve from the Court's courtroom deputy, Maria Blunt, the Frazier personnel file.

**IT IS SO ORDERED.**

Date: July 18, 2016

Albany, New York

A handwritten signature in black ink, appearing to read 'D. Stewart', written over a horizontal line.

Daniel J. Stewart  
U.S. Magistrate Judge